

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of Shawano County for the Relocation of a Public Crossing of the Wisconsin Central Ltd. Tracks with CTH 'T' in the Town of Waukechon, Shawano County

9164-RX-635

FINAL DECISION

By letter dated March 10, 2006, Shawano County petitioned the Office of the Commissioner of Railroads (OCR) for the relocation of a public crossing of the Wisconsin Central Ltd. (WCL) tracks with CTH 'T' in the Town of Waukechon, Shawano County. (crossing no. 697 745P / MP 324.60).

Jurisdiction: Secs. 195.28 and 195.29, Stats.

Pursuant to due notice, public hearing was held in this matter on May 18, 2006 in Shawano, Wisconsin with hearing examiner Douglas S. Wood presiding. The matter is uncontested. The Commissioner issues this final decision without an intervening proposed decision in order to expedite the project.

Appearances:

**Parties**

Shawano County, Petitioner  
by  
Randy Zastrow, Highway Commissioner  
3035 E. Richmond Street  
Shawano, WI 54166  
and  
Ayres Associates, Inc.  
Craig Schuh, Transportation Engineer  
916 Willard Drive, Suite 200  
Green Bay WI 54304

As Interest May Appear:

Wisconsin Central Ltd.  
by  
Terry Lee, PE  
Manager Public Works  
1625 Depot Street  
Stevens Point, WI 54481

## Findings of Fact

### THE COMMISSIONER FINDS:

The County proposes to reconstruct and relocate 0.587 miles of CTH 'T' including the at-grade crossing with the Wisconsin Central Ltd. The project would relocate the existing crossing about 110' to the north.

The current roadway and shoulders are too narrow for county standards. The reconstructed CTH 'T' will be 40' wide (back-to-back of curbs) and will intersect the tracks at an angle of 83°. The crossing consists of one mainline track (Shawano Subdivision). The project will improve the radius of the roadway's horizontal and vertical curves at the crossing. The reconstruction will also improve the intersection of CTH 'T' with McDonald Street that is located just west of the crossing.

CTH 'T' carries 380 ADT and is projected to carry 580 ADT in the design year of 2026. The speed limit is 25 mph.

The railroad currently operates 2 through train movements per day (5 days per week) over the proposed crossing location at a speed of 35 mph. The railroad plans to increase the frequency to six days per week during 2006. The railroad indicated its typical train length on this line of track is 12 to 25 cars.

A driver traveling at 25 mph needs a distance of 187' to stop safely. The crossing will be visible from more than 187' in each direction. Assuming a train speed of 35 mph, a driver traveling at 25 mph needs to see a train when it is about 370' from the crossing from a point 187' down the highway. The sight distance available in the corners is inadequate due to embankments and structures.

At all crossings, except those with gates, a driver stopped 15' short of the near rail must be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving their vehicle safely across the tracks to a point 15' past the far rail, prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the "design" vehicle. The necessary clearing sight distance at the CTH 'T' crossing is 780'. The clearing sight distance will be adequate provided brush is cleared.

The exposure factor at this crossing is 760. The exposure factor at this crossing will exceed 1000 in the design year assuming 2 train movements per day. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

No train-vehicle accidents have occurred at the existing crossing since 1973.

The crossing presently has crossbucks for warning devices. These warning devices are inadequate. The existing warning devices will be adequate until such time as the new warning devices are installed. In order to adequately protect public safety, crossbucks and stop signs are needed because of the inadequate sight distance.

In summary, the relocation of the crossing at-grade of the Wisconsin Central Ltd. tracks with CTH 'T' will promote public safety and convenience by improving the horizontal and vertical curves at and near the crossing.

**Source of funding:** The County will pay all costs for the relocation of the crossing.

**Timing:** The County hopes to construct the project in 2006. The railroad indicated it will try to meet that schedule, but noted that most of its work for 2006 is already scheduled.

#### Ultimate Conclusions on the Issues

##### THE COMMISSIONER CONCLUDES:

1. That the relocation of the crossing at-grade of CTH 'T' with the Wisconsin Central Ltd. tracks in accordance with the design plans of the Shawano County Highway Department in the Town of Waukechon, Shawano County will promote public safety and convenience.
2. That in order to adequately protect and promote public safety, it is necessary to install and maintain reflective crossbucks and stop signs.
3. That it is reasonable that the Wisconsin Central Ltd. bear no part of the cost for the crossing construction.

#### Conclusion of Law

##### THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §§195.28 and 195.29, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

#### Order

##### THE COMMISSIONER ORDERS:

1. That the **Wisconsin Central Ltd.** shall install and maintain a crossing at-grade of CTH 'T' with its tracks in accordance with the design plans of the Shawano County

Highway Department in the Town of Waukechon, Shawano County by **November 1, 2006** (Crossing No. 697 745P / MP 324.60).

2. That the **Wisconsin Central Ltd.** shall install and maintain retroreflective back-to-back crossbucks with 2" wide reflective vertical strips on the front and back of the support posts on each approach to the crossing of its tracks with CTH 'T' at-grade in the Town of Waukechon, Shawano County by **November 1, 2006**.

3. That the **Wisconsin Central Ltd.** shall clear brush and trees from its right-of-way for 780' down the tracks in each direction from the CTH 'T' crossing by **November 1, 2006**.

4. That the **Shawano County Highway Department** shall clear brush and trees from its highway right-of-way for 330' down the highway in each direction from the CTH 'T' crossing by **November 1, 2006**.

5. That the **Shawano County Highway Department** shall install and maintain stop signs on separate posts on each approach to the crossing of the Wisconsin Central Ltd. tracks with CTH 'T' at-grade in the Town of Waukechon, Shawano County by **November 1, 2006**.

6. That the **Shawano County Highway Department** shall install and maintain advance warning signs (sign W10-1) and "stop ahead" signs at a distance in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) from the crossing on each approach by **November 1, 2006**.

7. That the **Wisconsin Central Ltd.** shall bear no part of the cost of the crossing construction, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

8. That jurisdiction is retained.

Dated at Madison, Wisconsin, (May 23, 2006).

By the Office of the Commissioner of Railroads.

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Rodney W. Kreunen  
Commissioner of Railroads

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